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2	STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISION OF CONSUMER SERVICES		
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4 5	IN THE MATTER OF DETERMINING Whether there has been a violation of the Mortgage Broker Practices Act of Washington by:	NO. C-02-090-03-SC01	
6 7	Common Sense Mortgage, Inc., dba Common Sense Mortgage, and Gary M. Ciminski, Designated Broker,	STATEMENT OF CHARGES and NOTICE OF INTENT TO REVOKE LICENSE, PROHIBIT FROM PARTICIPATION IN THE INDUSTRY, COLLECT PAST DUE	
8 9	Respondents.	ASSESSMENTS, COLLECT EXAMINATION FEES AND IMPOSE MONETARY FINE	
10	INTRODUCTION		
11	Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions		
12	of the State of Washington ("Director") is responsible for the administration of chapter 19.146 RCW, the Mortgage		
13	Broker Practices Act ("Act"). The referenced statutes (RCW) and rules (WAC) are attached, in pertinent part. After		
14	having conducted an investigation, and based upon the facts	available as of January 21, 2003, the Director institutes this	
15	proceeding and finds as follows:		
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17	I. F	ACTS	
18	1. Respondents:		
19	A. Common Sense Mortgage, Inc., doing b	usiness as Common Sense Mortgage, is licensed to	
20	conduct the business of a mortgage broker at:		
21	31560 SR 20 Suite 203 Oak Harbor, Washington 98277		
22	B. Gary M. Ciminski was named designate	d broker in October 1996, and has continued as designated	
23	broker to date.		
24 25	STATEMENT OF CHARGES and NOTICE OF INTENT TO REVOKE LICENSE, PROHIBIT FROM PARTICIPATION IN THE INDUSTRY, COLLECT PAST DUE ASSESSMENTS, COLLECT EXAMINATION FEES AND IMPOSE MONETARY FINE	DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 210 11 th Ave SW, Room 300 PO Box 41200 Olympia, WA 98504-1200 (360) 902-8795	

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- **2. License:** The Department of Financial Institutions ("Department") issued a license to Common Sense Mortgage, Inc. as a mortgage broker on July 30, 1996.
- 3. Continuing Education: A certificate of satisfactory completion of an approved continuing education course is due to the Department each year, no later than the last business day of July. The Respondents last provided a certificate of satisfactory completion of an approved continuing education course on July 8, 1997.
- **4. Annual Assessment:** An annual assessment fee is due to the Department each year, no later than the last business day of July. Respondents last paid the annual assessment fee in 1997.
- 5. Issuance of Directive: On September 18, 1998, the Department issued a directive to Respondents requiring that Respondents pay the annual assessment fee and submit a certificate of satisfactory completion of an approved continuing education course. To date, Respondents have failed to pay the annual assessment fees due and have failed to submit a certificate of satisfactory completion of an approved continuing education course.
- **6. Failure to Provide Bond:** The Department received notice of cancellation of Common Sense Mortgage, Inc.'s surety bond from the insurance company on August 25, 1999. To date, Common Sense Mortgage, Inc. has failed to notify the Department of the cancellation of the surety bond or to provide the required bond.

II. GROUNDS FOR ENTRY OF ORDER

- 1. Continuing Education Requirement: Pursuant to RCW 19.146.215 and WAC 208-660-042, the designated broker of every licensee shall complete an annual continuing education requirement and file a certificate of satisfactory completion no later than the last business day of the month in which the anniversary date of the issuance of the mortgage broker's license occurs.
- 2. Requirement to Pay Required Fees: Pursuant to RCW 19.146.228 and WAC 208-660-060(3), each mortgage broker shall pay to the Director an annual assessment fee no later than the last business day of the month in which the anniversary date of the issuance of the mortgage broker's license occurs.

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EXAMINATION FEES AND IMPOSE MONETARY FINE

3.	Requirement to Maintain Surety Bond: Pursuant to RCW 19.146.205(4)(a) and WAC 208-660-150,
every n	nortgage broker shall file and maintain a surety bond with the Department and notify the Department of th
cancell	ation of such bond.

- **4. Authority to Revoke License:** Pursuant to RCW 19.146.220(2)(b)(ii), (iii) and (iv), the Director may revoke a license for failure to pay a fee required by the Director, failure to comply with a directive of the Director, and failure to maintain the required bond.
- **5. Authority to Impose Fines:** Pursuant to RCW 19.146.220(c), the Director may impose fines for failure to comply with a directive of the Director, and for any violations of RCW 19.146.205(4).
- **6. Authority to Prohibit from the Industry:** Pursuant to RCW 19.146.220(2)(e)(i) and (iv), the Director may prohibit from participation in the conduct of the affairs of a licensed mortgage broker, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.205(4), and failure to comply with a directive of the Director.
- 7. Authority to Charge Examination Fee: Pursuant to RCW 19.146.228(2), and WAC 208-660-060(2), upon completion of any examination of the books and records of a licensee, the Department will furnish to the licensee a billing to cover the cost of the examination. The examination charge will be calculated at the rate of forty-six dollars and twenty-six cents (\$46.26) per hour that each staff person devoted to the examination.

III. NOTICE OF INTENT TO ENTER ORDER

Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth in the above Facts and Grounds for Entry of Order constitute a basis for the entry of an Order under RCW 19.146.220, which authorizes the Director to enter an Order against a person subject to the Act. Therefore, it is the Director's intention to ORDER that:

1. Common Sense Mortgage, Inc.'s license to conduct the business of mortgage broker be revoked;

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1	2.	Gary M. Ciminski be prohibited from mortgage broker, in any manner, for		ipation in the conduct of the affairs of any licensed d of ten (10) years;
3 4	3. Common Sense Mortgage, Inc. and Gary M. Ciminski provide the Department with the location of the books, records and other information relating to Common Sense Mortgage, Inc.'s mortgage broker business, and the name, address and telephone number of the individual responsible for the maintenance of such records in compliance with the Act; and			
5	4.	Respondents pay the cumulative annu		ments due through 2003:
6	 Respondents pay an examination fee to be calculated at \$46.26 per hour for each staff hour devoted to the investigation; and 			
7	6. Respondents pay a fine of \$2,250 calculated at \$75.00 per day for 30 days.			
8		V. AUTHO	RITY A	AND PROCEDURE
9	This Statement of Charges and Notice is entered pursuant to the provisions of RCW.19.146.220 and			
10 11	RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (the Administrative Procedure Act).			
12	Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO			
13	DEFEND AND OPPORTUNITY FOR HEARING accompanying this order.			
14				
15	Dated this	<u>22nd</u> day of January, 2003.		
16				/S/
17				MARK THOMSON DIRECTOR
18				DIVISION OF CONSUMER SERVICES DEPARTMENT OF FINANCIAL INSTITUTIONS
19				Reviewed by:
20				<u>/S/</u>
21				Chuck Cross, Enforcement Chief
22				
23				
24 25	and NOTICI PROHIBIT COLLECT I	NT OF CHARGES E OF INTENT TO REVOKE LICENSE, FROM PARTICIPATION IN THE INDUSTRY, PAST DUE ASSESSMENTS, COLLECT FION FEES AND IMPOSE MONETARY FINE	4	DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 210 11 th Ave SW, Room 300 PO Box 41200 Olympia, WA 98504-1200 (360) 902-8795

EXAMINATION FEES AND IMPOSE MONETARY FINE

Olympia, WA 98504-1200

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Olympia, WA 98504-1200

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COLLECT PAST DUE ASSESSMENTS, COLLECT

EXAMINATION FEES AND IMPOSE MONETARY FINE

STATE OF WASHINGTON **DIVISION OF CONSUMER SERVICES**

1 DEPARTMENT OF FINANCIAL INSTITUTIONS 2 3 IN THE MATTER OF DETERMINING Whether there has been a violation of the NO. C-02-090-03-SC01 4 Mortgage Broker Practices Act of Washington by: NOTICE OF OPPORTUNITY TO DEFEND 5 AND OPPORTUNITY FOR HEARING Common Sense Mortgage, Inc., dba Common Sense Mortgage, and Gary M. Ciminski, Designated Broker, 6 Respondents. 7 8 THE STATE OF WASHINGTON TO: Common Sense Mortgage, Inc. dba Common Sense Mortgage, 9 and Gary M. Ciminski 10 YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES and NOTICE OF INTENT 11 TO REVOKE LICENSE, PROHIBIT FROM PARTICIPATION IN THE INDUSTRY, COLLECT PAST 12 DUE ASSESSMENTS, COLLECT EXAMINATION FEES AND IMPOSE MONETARY FINE has been 13 filed by the Department of Financial Institutions, a true and correct copy of which is attached and made a part 14 hereof. 15 YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the 16 17 Washington State Department of Financial Institutions on the Statement of Charges and Notice of Intent to Revoke License, Prohibit from Participation in the Industry, Collect Past Due Assessments, Collect Examination Fees 18 19 and Impose Monetary Fine. Service of this notice is deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN 20 TWENTY (20) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be 2.1 notified of the time and place for the hearing at least seven (7) days in advance of the hearing date. 22 At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal as is 23 24 practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing will be

NOTICE OF OPPORTUNITY FOR HEARING

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DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 210 11th Ave SW. Room 300 PO Box 41200 Olympia, WA 98504-1200 (360) 902-8795

recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges and Notice of Intent to Revoke License, Prohibit from Participation in the Industry, Collect Past Due Assessments, Collect Examination Fees and Impose Monetary Fine is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine those witnesses presented in support of the Statement of Charges and Notice of Intent to Revoke License, Prohibit from Participation in the Industry, Collect Past Due Assessments, Collect Examination Fees and Impose Monetary Fine. You may require the attendance of witnesses by subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter appointed at no cost to you, as discussed below.

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INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-Englishspeaking cultural background, cannot readily speak or understand the English language, or if you or a witness for you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative Hearing form.

YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the Statement of Charges and Notice of Intent to Revoke License, Prohibit from Participation in the Industry, Collect Past Due Assessments, Collect Examination Fees and Impose Monetary Fine. Upon such a finding by the Director a final order will be immediately entered disposing of this matter as described in the Statement Of Charges and Notice of Intent to Revoke License, Prohibit from Participation in the Industry, Collect Past Due Assessments, Collect

1	Examination	Fees and Impose Monetary Fine.	. If you desire a hearing in this matter, please return the attached
2	Application fo	or Adjudicative Hearing to:	
3 4 5		Washington State Department Division of Consumer Services Attn: Victoria W. Sheldon PO Box 41200 Olympia, Washington 98504-	5
6	Dated this	day of	, 2003.
7			MARK THOMSON
8			DIRECTOR DIVISION OF CONSUMER SERVICES
9			DEPARTMENT OF FINANCIAL INSTITUTIONS
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STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS DIVISIONOF CONSUMER SERVICES

2	DIVISIONOF CONSUMER SERVICES		
3	IN THE MATTER OF DETERMINING Whether there has been a violation of the	NO. C-02-090-03-SC01	
4	Mortgage Broker Practices Act of Washington by:	APPLICATION FOR ADJUDICATIVE	
5	Common Sense Mortgage, Inc., dba Common Sense Mortgage, and Gary M. Ciminski, Designated Broker,	HEARING	
6	Respondents.		
7	THE STATE OF WASHINGTON TO:	Common Sense Mortgage, Inc.	
8		dba Common Sense Mortgage, and Gary M. Ciminski, Designated Broker,	
9			
10	If you wish to contest the STATEMENT OF CHARGES and NOTICE OF INTENT TO REVOKE LICENSE,		
11	PROHIBIT FROM PARTICIPATION IN THE INDUSTRY, COLLECT PAST DUE ASSESSMENTS,		
12	COLLECT EXAMINATION FEES AND IMPOSE MONETARY FINE and have an adjudicative hearing, you		
13	must sign, date, and return this form within twenty (20) days of the date you received it, to:		
14	Washington State Department of Financial Institutions		
15	Division of Consumer Services Attn: James R. Brusselback		
16	PO Box 4200 Olympia, Washington 98504-1200		
17	FAILURE TO RETURN THIS FORM SO THAT IT IS <u>RECEIVED</u> BY THE DEPARTMENT OF FINANCIAL		
18	INSTITUTIONS WITHIN TWENTY (20) DAYS OF THE DATE YOU RECEIVED IT WILL CONSTITUTE A		
19	DEFAULT AND WILL RESULT IN THE LOSS OF YOUR RIGHT TO AN ADJUDICATIVE HEARING AND		
20	WILL RESULT IN THE DISPOSITION OF YOUR CASE AS AUTHORIZED BY RCW 34.05.440. In that case,		
21	the Director may proceed to resolve this matter without further notice or hearing. In such a case, the Director will		
22	immediately enter an appropriate order in disposition of the Statement Of Charges and Notice of Intent to Revoke		
23	License, Prohibit from Participation in the Industry, Collect Past Due Assessments, Collect Examination Fees		
24	and Impose Monetary Fine.		
25	1 APPLICATION FOR HEARING	DEPARTMENT OF FINANCIAL INSTITUTIONS Division of Consumer Services 210 11 th Ave SW, Room 300	

1	<u>INSTRUCTIONS</u> : Circle your desired responses to items I, II, and III below.	
2		
3	I.	
4	I [REQUEST] [DO NOT REQUEST] a formal hearing in this matter.	
5		
6	II.	
7	I [WILL] [WILL NOT] be represented by an attorney. His/her name, address, and telephone number are:	
8		
9		
10		
11		
12	III.	
13	I [REQUEST] [DO NOT REQUEST] that a qualified interpreter be appointed at no cost to me to interpret	
14	for (myself) or (my witness(es)). My, or my witness's(es'), primary language is(identify	
15	language). My, or my witness's(es'), hearing impaired status is(identify hearing	
16	impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).	
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18	IV.	
19	You have the right: To demand a hearing; to be represented by an attorney at your own expense; to subpoena	
20	witnesses to the hearing or subpoena the production of books or documents and to otherwise defend against the	
21	Statement Of Charges and Notice of Intent to Revoke License, Prohibit from Participation in the Industry, Colle	
22	Past Due Assessments, Collect Examination Fees and Impose Monetary Fine.	
23	WARNING: FAILURE TO COMPLETE AND MAIL THIS DOCUMENT SO THAT IT IS RECEIVED	
24	BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN 20 DAYS AFTER YOU RECEIVED THE	
25	APPLICATION FOR HEARING DEPARTMENT OF FINANCIAL INSTITUTIONS	

1	STATEMENT OF CHARGES AND NOTICE OF INTENT TO REVOKE LICENSE, PROHIBIT FROM		
2	PARTICIPATION IN THE INDUSTRY, COLLECT PAST DUE ASSESSMENTS, COLLECT		
3	EXAMINATION FEES AND IMPOSE MONETARY FINE WILL RESULT IN THE DISPOSITION OF THIS		
4	CASE AS AUTHORIZED BY RCW 34.05.440.		
5			
6	Dated this day of		
7 8	COMMON SENSE MORTGAGE, INC. By:		
9	Signature:		
10	Print Name and Title		
12 13	Address:		
14 15			
16			
17	Signature:		
18	Gary Ciminski, Designated Broker		
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